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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/729,515 | 12/04/2000 | Herbert W. Sullivan | PA1671US | 9494 |

22830 7590 12/04/2003

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EXAMINER

ANYA, CHARLES E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2126

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,515

Applicant(s)

SULLIVAN ET AL.

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The marked up copy of the specification included in the preliminary amendment of 10/18/01 is not entered. A clean copy of the specification is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by
U.S. Pat. No. 6,629,152 B2 to Kingsburg et al.**

As to claim 1, Kingsburg teaches a processing system for performing addition and subtraction (“...AFADD()...AFSUB()...” Col. 9 Ln. 42 – 53) within limits upon a shared value comprising: means for performing a first uninterruptible operation upon the shared value (Mailbox Data Structure 70 Col. 7 Ln. 23 – 65, Col. 10 Ln. 26 – 27) stored in an affected reservation location, the first uninterruptible operation using an operand/means for comparing a resulting value of the first uninterruptible operation stored in the affected reservation location to limit values stored in limit locations (Step

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90 Col. 10 Ln. 26 - 33), means for performing a second uninterruptible operation to restore the affected reservation location if the resulting value of the first uninterruptible operation is not within the limit values in the limit locations (“...Step 96...undo...” Col. 10 Ln. 33 – 40), means for reporting a failure if the resulting value of the first uninterruptible operation is not within the limit values in the limit locations (“...return (MBOX_FULL_NO_SLOTS_ERROR)...” Col. 9 Ln. 1 – 15), means for performing a third uninterruptible operation to update an actual value location if the resulting value of the first uninterruptible operation is within the limit values in the limit locations (Step 104 Col. 10 Ln. 58 – 61) and means for performing a fourth uninterruptible operation to update an unaffected reservation register if the resulting value of the first uninterruptible operation is within the limit values in the limit locations (Step 98 Col. 10 Ln. 41 – 50) and means for reporting a success if the resulting value of the first uninterruptible operation is within the limit values in the limit locations (“...return SUCCESS...” Col. 9 Ln. 1 – 15).

As to claim 2, Kingsburg teaches the first, second, third, and fourth uninterruptible operations as LOCK XADD operations (“...exchange and add (ADD)...” instruction...” Col. 9 Ln. 17 – 53).

As to claims 3,5,7 and 8, see the rejection of claim 1.

As to claims 4 and 6, see the rejection of claim 2.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya
Examiner
Art Unit 2126

cea



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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